

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JUN 26 1998

IN THE MATTER OF:

DOCKET NUMBER: 97-03513

COUNSEL: None

HEARING DESIRED: Yes

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APPLICANT REQUESTS THAT:

His general discharge be changed to a medical discharge and an appropriate disability rating.

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APPLICANT CONTENDS THAT:

The Judiciary Area Defense Counsel's (JADC) three-page report was never added to his records.

In support of the appeal, applicant submits a three-page JADC report, dated 3 November 1988.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the brief prepared by the Air Force Discharge Review Board (AFDRB) (Exhibit B) and the letters prepared by the appropriate offices of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

The AFDRB denied applicant's request for upgrade of discharge to honorable and change of reason for discharge on 5 November 1993.

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AIR FORCE EVALUATION:

The Chief Medical Consultant, AFBCMR, reviewed this application and states that while the applicant's PTSD was given consideration in his discharge processing, it was felt, perhaps erroneously, that his actions which led to the nonjudicial punishments departed significantly from actions of others who experienced the same traumatic events. This may well be expected

given the fact it is not possible to extrapolate reactions to such stressors of any given individual to cover how everyone else should or would react in the same situation. To have done so in this case seems unjust. This case was previously heard as a AFDRB case on 29 October 1993, some 4½ years after the applicant's discharge. A review of this hearing shows that a dissenting vote was cast in favor of upgrade to honorable, indicating some concern, perhaps, for the characterization of discharge the applicant received. Prior to the Flugtag disaster, the applicant had performed in an extraordinarily exemplary manner as reflected in his performance report dated 12 February 1988. His ability as an entry control specialist was highly praised, and yet, his next report, dated 23 October 1988, found him severely deficient and commented on actions during a local exercise in April (2 months after his exceptional rating) as being irresponsible. Although the applicant did not submit comments in reply to this October referral report, the accuracy of the latter comments must be suspect. Was the unit looking for ways to pad the case against him in their effort to effect his discharge? Given the diagnosis of post-traumatic stress disorder (PTSD) rendered within two weeks of the air show disaster (Ramstein Flugtag Disaster), and considering all aspects of this record and resolving all reasonable doubt in favor of the individual, an inequity appears to have occurred in the handling of this case. While there is no medical or psychiatric condition sufficient to consider a medical discharge, it is recommended that upgrade of this discharge to honorable be accomplished. The BCMR Medical Consultant is of the opinion that this discharge should be upgraded to honorable by Secretarial Authority IAW AFI 36-3208, that the Separation Program Designator should be changed to "KFF" and that the reentry code should be changed to "2C" to reflect the honorable characterization of the discharge. While not condoning the applicant's actions that led to his discharge, he feels that mitigation secondary to his psychiatric diagnosis is in order.

A complete copy of the evaluation is attached at Exhibit C.

The Chief, Physical Disability Division, AFPC/DPPD, also reviewed this application and states that they verify that the applicant was never referred to or considered by the Air Force Disability Evaluation System. A report of medical examination dated 31 October 1988, conducted by the ██████████ Clinic, does not reflect any outstanding medical conditions at that time and qualifies the member for worldwide duty. They agree with the Medical Consultant's comments and recommendation to disapprove member's request to receive a disability discharge. The applicant has not submitted any material or documentation to show that he was unfit due to a physical disability under the provisions of Title 10, USC, at the time of his administrative discharge. They recommend denial of the applicant's request.

A complete copy of their evaluation is attached at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant's spouse reviewed the Air Force evaluations and states they both feel that there is sufficient evidence to substantiate a medical discharge. The information appears quite clear and concise, leading them to believe that the only fair and just discharge in this case would, in fact, be a medical one. The diagnosis of PTSD was made on 6 September 1988 and is clearly the cause of the confusion leading up to the two Article 15 incidents. The enclosed recent paperwork from the Dorn VA Psychiatric Hospital clearly demonstrates the ongoing struggles applicant deals with due to his PTSD. He continues to require treatment with medications and counseling as he probably will indefinitely. Her husband's life has been permanently affected in just about every way possible, and the change in his discharge would be a small acknowledgment that would mean more than you know.

Applicant's spouse's complete response, with attachments, is attached at Exhibit E.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice warranting changing his administrative discharge to a medical discharge. After thoroughly reviewing the evidence of record and the JADC three-page statement submitted by the applicant, it appears that the symptoms he exhibited associated with PTSD had resolved and he was worldwide qualified for active duty at the time of his discharge. In this regard, the Board notes at the time of his separation history and physical examination done on 31 October 1988, the applicant stated his health was: "I'm in Great Shape! No Stress!" Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.
4. Notwithstanding the above determination, the Board notes that the BCMR Medical Consultant recommends changing the discharge to honorable by Secretarial Authority IAW AFI 36-3208, the Separation Program Designator be changed to "KFF" and that the reentry code be changed to "2C" to reflect the honorable characterization of the discharge. Based on applicant's overall record of performance and in view of the comments submitted from

the Medical Consultant, we recommend applicant's records be corrected to the extent indicated below.

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THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that on 17 February 1989, he was discharged under the provisions of AFI 36-3208, Secretarial Authority, and issued a reenlistment eligibility code of "2C" and a Separation Program Designator of "KFF."

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The following members of the Board considered this application in Executive Session on 10 June 1998, under the provisions of AFI 36-2603:

Ms. Martha Maust, Panel Chair  
 Mr. Gregory H. Petkoff, Member  
 Mr. Michael P. Higgins, Member  
 Ms. Gloria J. Williams, Examiner (without vote)

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 31 Jan 98, w/atchs. —
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, BCMR Medical Consultant, dated 9 Jan 98.
- Exhibit D. Letter, AFPC/DPPD, dated 3 Feb 98.
- Exhibit E. Letter, AFBCMR, dated 16 Feb 98.
- Exhibit F. Spouse's Response, dated 4 Feb 98, w/atchs.

  
 MARTHA MAUST  
 Panel Chair



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JUN 26 1998

Office of the Assistant Secretary

AFBCMR 97-03513

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code, (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that on 17 February 1989, he was discharged under the provisions of AFI 36-3208, Secretarial Authority, and issued a reenlistment eligibility code of "2C" and a Separation Program Designator of "KFF."

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency